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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,411	02/10/2004	Akihiko Sugikawa	248729US2RD	9886
22850 7590 05/23/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PHU, SANH D	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 05/23/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/774,411	Applicant(s) SUGIKAWA, AKIHIKO	
	Examiner Sanh D. Phu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed 3/17/2003 has been considered and recorded in the file.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11–15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou et al (US 2003/0152057).

Regarding to claim 11, Chou et al disclose an information providing apparatus (120)(Fig. 1), comprising:

a first power controller (454) which sets electric power for transmission so that a possible range of wireless communication becomes a first range (see section [0042]–[0048] and Fig. 4A, 4B, the radio transceiver 454 has an extended dynamic range which has normal power, first range, is equal to 0dbm and has the capability to increase power signal up to 24 dbm in 3 steps, each step size is 8 dbm, e.g., the first range is 0dbm, second range is 8 dbm, third range is 16 dbm, fourth range is 24dbm);

a connection processing unit (404) configured to conduct connection processing with respect to said information receiver when the possible range of wireless communication is set to said first range, and connection request from an information receiver is received (see section [0043]–[0046], Fig. 4A, 4B and explanation above); and

a second power controller (300) (see Fig. 3A) which sets electric power for transmission so that the possible range of wireless communication becomes a second range broader than the first range when it is determined that the transmitted information did not reach said information receiver before the

connection processing with said information receiver is completed (see section [0046], Fig. 3A, 4A, 4B and explanation above).

Regarding to claim 12, Chou et al disclose the information providing apparatus further comprising a third power controller which sets electric power for transmission so that the possible power of wireless communication becomes a third range broader than the second range after said second power controller sets the possible range of wireless communication, when there is no response for a packet transmitted to said information receiver, and it is determined that the transmitted information has not reached said information receiver (see section [0046], Fig. 3A, 4A, 4B and explanation above).

Regarding to claim 13, Chou et al disclose the information providing apparatus, wherein said information receiver is a portable terminal (see Fig. 1).

Regarding to claim 14, Chou et al disclose the information providing apparatus, wherein wireless communication is conducted according to Bluetooth.TM. (452)(see Fig. 4A and 4B).

Regarding to claim 15, it is rejected with similar reasons as set forth in claim 11.

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1–10,16–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al in view of Alinikula et al (US 6,944,457).

Regarding to claim 1, Chou et al disclose an information providing apparatus, comprising:

a power controller which controls electric power for transmitting said prescribed information so that a possible range of wireless communication at the time when said information providing unit provides information is broader

than the possible time until said connection processing unit completes the connection processing (similar reasons as set forth in claim 11).

Chou et al does not specifically disclose an identification information transmitter which transmits its own identification information to an information receiver when an existence confirmation request from said information receiver is received;

a connection request waiting unit configured to wait reception of a connection request from said information receiver after transmitting the identification information;

a connection processing unit configured to conduct connection processing for said information receiver when said connection request waiting unit receives the connection request from said information receiver;

an information providing unit configured to provide said information receiver with prescribed information after the connection processing is completed;

Alinikula et al disclose an identification information transmitter (802) (see Fig. 8), which transmits its own identification information to an information

receiver when an existence confirmation request from said information receiver is received (Fig. 8);

a connection request waiting unit (803) configured to wait reception of a connection request from said information receiver after transmitting the identification information (see col. 6, lines 44–53);

a connection processing unit (804) configured to conduct connection processing for said information receiver when said connection request waiting unit receives the connection request from said information receiver (see Fig. 8);

an information providing unit(805) configured to provide said information receiver with prescribed information after the connection processing is completed (see Fig. 8);

Therefore, it would have been obvious for one skilled in the art at the time of the invention was made to integrate the process as taught by Alinikula et al into Chou et al's wireless communication system so that the at least two communication devices are able to perform the predefined for establishment of the connection and data transfer between those devices.

Regarding to claim 2, Chou et al disclose the information providing apparatus, further comprising:

a program storage (309)(Fig. 3A) which stores a program in which processing contents of said connection request waiting unit, said identification information transmitter, said connection processing unit and said power controller are described (see section [0044]–[0050]); and

a processing unit (300)(Fig. 3A) configured to execute the program, wherein said processing unit gives a certain command for electric power control described in the program, to said power controller (see section [0044]–[0050]); and

said power controller controls the electric power for transmission based on the certain command (see section [0044]–[0050]).

Regarding to claim 3, Chou et al disclose the information providing apparatus, wherein said power controller has a electric power display which displays information relating to a current electric power for transmission (RSSI) (Fig. 4B).

Regarding to claim 4, Chou et al disclose the information providing apparatus, wherein said information receiver is a portable terminal (128)(See Fig. 1).

Regarding to claim 5, it is rejected with similar reasons as set forth in claim 14.

Regarding to claim 6, it is rejected with similar reasons as set forth in claim 1, because the information receiver has the same layer protocol/id-info as an information providing apparatus in order to conduct a request to the information providing apparatus.

Regarding to claim 7, it is rejected with similar reasons as set forth in claim 2.

Regarding to claim 8, it is rejected with similar reasons as set forth in claim 3.

Regarding to claim 9, Chou et al disclose the information receiver, wherein said information providing apparatus is a POS (Point Of Sales) apparatus or a portable terminal (see Fig. 1).

Regarding to claim 10, it is rejected with similar reasons as set forth in claim 14.

Regarding to claim 16, it is rejected with similar reasons as set forth in claims 1 and 11.

Regarding to claim 17, it is rejected with similar reasons as set forth in claims 1 and 6.

Regarding to claim 18, Alinikula et al disclose the wireless communication apparatus (Fig. 8) further comprising:

an existence confirmation request unit configured to conduct an existence confirmation request with respect to said information providing apparatus according to instruction from said control unit (Fig. 8);

a notification unit configured to notify said control unit of the fact that a device identification information of said information providing apparatus is received from said information providing apparatus (Fig. 8 and text portion);
and

an existence confirmation request suspending unit configured to suspend an existence confirmation request for said information providing apparatus

according to instruction from said control unit which receives a notification from said notification unit (see 807 and 808 of Fig. 8 and text portion).

Regarding to claim 19, it is rejected with similar reasons as set forth in claims 1 and 11.

Regarding to claim 20, it is rejected with similar reasons as set forth in claim 14.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703)305-8635. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D. Phu
Examiner
Division 2618

4/27/07

SP

SANH D. PHU
PATENT EXAMINER